

JUDGE HOLWELL

2-751169  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.,

Plaintiff,

- against -

MONDIAL INTERNATIONAL, INC.,

Defendant.  
-----X

07 CV 6908

CIVIL COMPLAINT  
IN ADMIRALTY

AUG 1 2007  
U.S.D.C. S.D.N.Y.  
CASHIERS

Plaintiff ZIM AMERICAN INTEGRATED SHIPPING SERVICES,

INC., by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE &

ASSOCIATES, as and for its Complaint against defendant MONDIAL

INTERNATIONAL, INC., in personam, in a cause of action civil and maritime,

alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq., and Paragraph 24 of the Bill of Lading.

2. At all times hereinafter mentioned, plaintiff ZIM INTEGRATED SHIPPING SERVICES, INC. was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 5801 Lake Wright Drive, Norfolk, VA 23502.

3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.

4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's public tariff.

5. Thereafter, the said goods were transported to the ports of destination and delivered to the consignee and/or its agents.

6. Plaintiff has duly performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and to refuse to remit the \$5,172.00 due, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$5,172.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:

1. For judgment in the amount of plaintiff's damages, together with interest thereon from the respective dates due, costs, disbursements, and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendant citing it to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York  
July 31, 2007

LAW OFFICES OF  
ALBERT J. AVALLONE & ASSOCIATES

By

  
Albert J. Avallone - AA1679  
Attorneys for Plaintiff  
ZIM AMERICAN INTEGRATED  
SHIPPING SERVICES, INC.  
551 Fifth Avenue, Suite 1625  
New York, NY 10176  
(212) 696-1760

**SCHEDULE A**

**I. Defendant's status & address:**

A. Upon information and belief and at all times hereinafter mentioned, defendant MONDIAL INTERNATIONAL, INC. was and still is a corporation organized and existing under the laws of the State of Florida, with offices and a place of business at 13255 S.W. 57th Terrace, Suite 8, Miami, FL 33183.

**II. Particulars:**

1. Bill of Lading No. ZIMUORF149964, dated July 2, 2006, from Decatur to Kingston via Savannah on the Vessel ZIM HAIFA, one (1) forty-foot Hi-Cube SAID TO CONTAIN: BULK PACKAGED DIAPERS, at the applicable tariff and/or Service Contract rate of \$2,586.00 (Exhibit A).

Amount Paid: \$0

Amount Due: \$2,586.00

2. Bill of Lading No. ZIMUORF150171, dated July 2, 2006, from Decatur to Kingston via Savannah on the Vessel ZIM HAIFA, one (1) forty-foot Hi-Cube SAID TO CONTAIN: BULK PACKAGES DIAPERS, at the applicable tariff and/or Service Contract rate of \$2,586.00 (Exhibit B).

Amount Paid: \$0

Amount Due: \$2,586.00

III. Total Amount Due: \$5,172.00

[illegible]



